

BIRCH, STEWART, KOLASCH & BIRCH, LLP

INTELLECTUAL PROPERTY LAW
8110 GATEHOUSE ROAD
SUITE 500 EAST
FALLS CHURCH, VA 22042-1210
USA

(703) 205-8000

FAX: (703) 205-8050
(703) 698-8590 (G IV)

e-mail: mailroom@bskb.com
web: http://www.bskb.com

CALIFORNIA OFFICES:
COSTA MESA, CALIFORNIA
LOS ANGELES, CALIFORNIA

SCOTT L. LOWE
PAUL C. LEWIS
RICHARD J. GALLAGHER
MARYANNE ARMSTRONG, PH.D.
KECIA J. REYNOLDS
KALPANA REDDY
ESTHER H. CHONG
CATHERINE M. VOISINET*
EUGENE T. PEREZ
CAROLYN T. BAUMGARDNER*
MARTIN R. GEISSLER*
J. ALISON GRABELL*
T. BENJAMIN SCHROEDER, PH.D.
PERCY L. SQUARE
CLINT A. Gerdine
CRAIG A. McROBBIE

REG. PATENT AGENTS:
FREDERICK R. HANDREN
MAKI HATSUMI
GARTH M. DAHLEN, PH.D.
ROBERT E. GOOZNER, PH.D.
KRISTI L. RUPERT, PH.D.
MATTHEW T. SHANLEY
SUSAN W. GORMAN, PH.D.
ROBERT W. DOWNS
CHAD J. BILLINGS
CHRISTINE V. CASTILLO
CARL T. THOMSEN
SAM BHATTACHARYA
BRADLEY C. FACH

TERRELL C. BIRCH
RAYMOND C. STEWART
JOSEPH A. KOLASCH
JAMES M. SLATTERY
MICHAEL K. MUTTER
CHARLES GORENSTEIN
GERALD M. MURPHY, JR.
BERNARD R. SVENSSON
ANDREW D. MEIKLE
MARC S. WEINER
JOE MCKINNEY MUNCY
ROBERT J. KENNEY
JOHN W. BAILEY
MARK J. NUELLE, PH.D.
JAMES T. ELLER, JR.
B. RICHARD ANDERSON
THOMAS M. SMALL*
ROBERT A. SELDON*
JOHN A. SCILLIERI*
SANFORD ASTOR*

OF COUNSEL:
HERBERT M. BIRCH (1905-1996)
BERNARD L. SWEENEY*
ELLIOT A. GOLDBERG*
WILLIAM L. GATES*
EDWARD H. VALANCE
RUPERT J. BRADY (RET.)*
F. PRINCE BUTLER
FRED S. WHISENHUNT (RET.)
JAMES W. HELLWEGE
QUENTIN R. "Rick" CORRIE
ROBERT F. GNUSE
DAVID R. MURPHY
PHILIP K. YU*
ROBERT M. ASHEN*
MICHAEL R. CAMMARATA

*ADMITTED TO A BAR OTHER THAN VA.

Date: June 26, 2003

Docket No.: 2185-0696P

MS PATENT APPLICATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a Request for filing a ☐ continuation ☒ divisional
☐ continuation-in-part application under 37 C.F.R. § 1.53(b) of
pending prior Application No. 10/147,966 filed on May 20, 2002,
the entire contents of which are hereby incorporated by
reference,
by

Miyuki OIKAWA, Hideki USHIO, Isao KURIMOTO and Takayuki HIGASHII
for

PROCESS FOR PRODUCING OPTICALLY ACTIVE 3,3,3-TRIFLUORO-2-HYDROXY-
2-METHYLPROPIONIC ACID, AND SALT THEREOF

1. ☒ Enclosed is an application consisting of specification,
claims, declaration and drawings/photographs (if
applicable).
2. ☒ The filing fee has been calculated as follows:

06/26/03

17522 U.S. PTO
10/603941
06/26/03

			LARGE ENTITY	SMALL ENTITY
BASIC FEE			\$750.00	\$375.00
	NUMBER FILED	NUMBER EXTRA	RATE FEE	RATE FEE
TOTAL CLAIMS	4-20 =	0	x 18 = \$0.00	x 9 = \$0.00
INDEPENDENT CLAIMS	2-3 =	0	x 84 = \$0.00	x 42 = \$0.00
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS PRESENTED			+ \$280.00	+ \$140.00
			TOTAL	
			\$750.00	\$0.00

3. ☒ A check in the amount of \$750.00 to cover the filing fee and recording fee (if applicable) is enclosed.
4. ☐ Please charge Deposit Account No. 02-2448 in the amount of \$0.00. A triplicate copy of this request is enclosed.
5. Amend the specification by inserting before the first line thereof the following:
- a. ☒ --This application is a ☐ continuation ☒ divisional ☐ continuation-in-part of co-pending Application No. 10/147,966, filed on May 20, 2002, which was a divisional of co-pending application 09/632,804, filed on August 4, 2000, now United States Patent No. 6,403,832 B1, which issued on June 11, 2002, the entire contents of both of which are hereby incorporated by reference and for which priority is claimed under 35 U.S.C. § 120; and this application claims priority of Application Nos. H11-221065 & H11-333924 filed in Japan on August 4, 1999 and November 25, 1999, respectively, under 35 U.S.C. § 119.--

6. ☐ Enclosed is/are _____ (____) sheet(s) of formal drawings and/or photographs.
- 7a. ☐ A statement claiming small entity status was filed in prior Application No. 10/147,966 on _____. See the attached copy of the statement claiming small entity status.
- 7b. ☐ The current application qualifies for small entity status.
8. ☒ The prior application is assigned to Sumitomo Chemical Company, Limited.
9. ☐ A Preliminary Amendment is enclosed.
- 10a. ☒ Priority of Application No(s). H11-221065 & H11-333924 filed in Japan on August 4, 1999 and November 25, 1999, respectively, is/are claimed under 35 U.S.C. § 119. See attached copy of the Letter claiming priority filed in the prior application Serial No. 09/632,804, filed on November 8, 2000.
- 10b. ☐ Priority of International Appln. _____ filed on _____ under the Patent Cooperation Treaty and _____ Application No. _____ filed in _____ on _____ under 35 U.S.C. § 120 and/or § 119 are hereby reclaimed.
11. ☒ An Information Disclosure Statement and PTO-1449 form(s) are attached hereto for the Examiner's consideration.
12. ☒ Address all future communications to:

BIRCH, STEWART, KOLASCH & BIRCH, LLP
P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

or
Customer No. 002292
13. ☐ An extension of time for _____ () month(s) until _____ has been submitted in parent Application No. 10/147,966 in order to establish co-pendency with the present application.
14. ☐ Also enclosed herewith is the following:

Docket No. 2185-0696P

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 

John W. Bailey, #32,881

P.O. Box 747

Falls Church, VA 22040-0747

(703) 205-8000

JWB/enm
2185-0696P

Attachment(s)

(Rev. 04/30/03)